

House File 657

H-1115

1 Amend House File 657 as follows:

2 1. Page 1, line 18, before <material> by inserting  
3 <identifiable biological>

4 2. Page 1, by striking lines 22 through 25 and inserting:  
5 <NEW SUBSECTION. 1B. "*Custody*" means a person who has  
6 been arrested, is currently incarcerated, or has been civilly  
7 committed.>

8 3. Page 1, line 28, after <section> by inserting <81.58  
9 concerning the destruction of biological evidence and section>

10 4. Page 1, lines 30 and 31, by striking <felony or  
11 aggravated misdemeanor> and inserting <class "A" or class "B"  
12 felony>

13 5. Page 2, by striking lines 14 and 15 and inserting  
14 <biological evidence contained in or include on physical  
15 evidence and in a manner reasonably calculated to prevent  
16 contamination>

17 6. Page 3, line 7, before <evidence> by inserting  
18 <biological>

19 7. Page 3, after line 8 by inserting:

20 <8. To comply with the preservation requirements described  
21 in this section, an agency may do the following:

22 a. Retain the biological evidence.

23 b. If a continuous chain of custody can be maintained,  
24 transfer the biological evidence to the custody of another  
25 agency which will maintain the evidence.

26 9. This section shall not be construed to require the  
27 state or any other entity to pay for or require the testing of  
28 biological evidence not otherwise required by another provision  
29 of federal or state law.>

30 8. Page 3, line 26, before <evidence> by inserting  
31 <biological>

32 9. Page 4, line 13, after <was> by inserting <willfully>

33 10. Page 4, line 15, by striking <and impose appropriate  
34 sanctions>

35 11. Page 5, line 28, by striking <or was intended to be

1 introduced>

2 12. Page 6, line 6, after <witness> by inserting <or family  
3 members or associates of the incarcerated witness>

4 13. Page 6, by striking lines 10 through 15 and inserting:  
5 <4. If the prosecuting attorney objects to the disclosure  
6 of any information described in this section, the prosecuting  
7 attorney may submit the information to the court for review.  
8 Upon review of the information, the court may permit the  
9 prosecuting attorney to withhold any information the court  
10 finds is not required to be disclosed in accordance with the  
11 Iowa rules of evidence or the Constitution of the United  
12 States.>

13 14. Page 7, line 8, after <case> by inserting <known to the  
14 prosecuting attorney>

15 15. Page 7, line 12, after <benefit> by inserting <known to  
16 the prosecuting attorney>

17 16. Page 7, line 19, after <database> by inserting <and all  
18 central records described in subsection 1>

19 17. Page 8, line 10, after <trial.> by inserting <Nothing  
20 in this subsection shall require the disclosure of the content  
21 of an attorney work product.>

22 18. Page 9, line 5, by striking <intrinsic> and inserting  
23 <monetary>

24 19. Page 9, line 24, after <court> by inserting <by filing a  
25 motion for a protective order with the court of conviction>

26 20. Page 9, line 29, by striking <prosecutor> and inserting  
27 <prosecuting attorney>

28 21. By renumbering, redesignating, and correcting internal  
29 references as necessary.

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JONES of Clay